

Planning Board Meeting Minutes

January 10, 2013

Attendance: Chairman Mike Todd, Mike Price, Bill Meserve, John Hayden, Gerald Kalish, Jeff Feenstra, Selectmen's Representative Michael Woodworth, and Town Planner Clay Mitchell. Absent from the meeting was James Daley.

Chairman Todd called the meeting to order at 7pm.

Conservation Subdivision Ordinance-The board discussed the amendments to the conservation subdivision ordinance. Bill Meserve recused himself from the discussion. The change would allow for parcels with 10 or more acres to be placed in conservation. This is the second public hearing on the proposed amendments. A motion was made by Mike Price and seconded by Jeff Feenstra to recommend adoption of the proposed amendment and place the question on the ballot for a vote in March. Yes-6, No-0

Sign Ordinance-The Board discussed the amendments to the sign ordinance. This is the second public hearing on the proposed amendments. There were no changes made to the proposed amendments and the Board recommends adoption. A motion was made by John Hayden and seconded by Bill Meserve to recommend adoption of the proposed amendment and place the question on the ballot for a vote in March. All were in favor. Yes -7, No-0

Petitioned Warrant Articles

Attorney Bernie Pelech, who represents Jerry Hillard, addressed the Board. The first petitioned warrant article would allow for wineries and agritourism in the definition of farming and the second petition deals with lighting of signs in the residential agricultural district.

The existing sign at Windroc Vineyards has gooseneck lamps which illuminate it. The illumination of signs is not allowed in the residential agricultural district and the existing illuminated sign is not legal. Mr. Hillard recently submitted a request for a variance to the Zoning Board of Adjustment to allow for the lighting of his sign. Passage of the petitioned warrant article would allow for the illumination of Hillard's sign.

John Hayden, Jeff Feenstra and Bill Meserve recused themselves from the Board. Mike Price stated that he has no problem with grapes being grown at the farm and producing wine. He has an issue with bringing in grapes to produce wine. He added that the amendment would mean the petitioner would not have to grow any grapes.

Attorney Pelech argued that it all depends on how you define the product. In his opinion, the product of a winery is not grapes it is wine. He compared the production of wine at Windroc Vineyard with the production of maple syrup where sap is brought in from other areas and is not restricted to the use of sap just from the farm.

Gerry Kalish asked what Jerry Hillard's intent was for an end product. Jerry was not sure. He does not intend to turn Windroc into Flag Hill Winery. As time goes on more of the end product will be from his grapes grown on the farm.

Attorney Pelech stated that there is a problem with the interpretation of the ordinances and this change will specifically state that a winery is a farm use. Jerry was told that he could go forward with the winery and now there are objections. Attorney Pelech said a complaint from Newfields was recently filed with the liquor commissioner.

Mike Todd stated that he wasn't sure the amendment was necessary and asked what it would do for the petitioner that he can't do now. Mike Price said that the Board is fine with the vineyard. The use is permitted and the Board has always known it was going to be a vineyard.

Clay stated the proposed petitioned warrant article adds to the definition of farming. The activity of producing wine will be added to the "farming" definition. If this warrant article does not pass, wineries will be reviewed within the existing definition.

Bill said the board created the ordinance for Jerry and knew he was going to have a winery. He is concerned that if the warrant article gets voted down it will mean no to wineries.

Peter Oldack, President of the NH Wine Association stated that a winery is commercial and all forms of farming are commercial. The industry standard is to produce \$2,500 worth of wine from products off the land. Limiting the amount of grapes limits the growth of the winery. In his opinion, Windroc Vineyards is not a farmstand.

Many supporters spoke in support of Windroc Vineyards.

Clay reminded the board that the purpose of this hearing is to discuss proposed amendments to the zoning ordinances and the petitioned warrant articles; not to discuss the use of the Hillard property. The petition will be placed on the ballot for a vote in March and cannot be changed in any way.

A vote was taken by the Board on whether or not to recommend the petitioned warrant article to amend the definition of farming, to include winery and agritourism. A majority of the Board supported the warrant article and the recommendation will be placed on the ballot with the question. Yes-3, No-1

Petitioned Sign Ordinance Amendments

Jerry Hillard stated that he would like to have a light of some sort to illuminate his sign advertising Windroc Vineyards. He doesn't want anyone to drive by and have to turn around in a neighbor's driveway. In his opinion, it is a matter of safety for entering and exiting safely from his establishment. The wattage that lights his sign now is 5-60 watt bulbs and the proposed change would allow for 300 watts of illumination.

Bill Meserve commented that the business has to be able to advertise and 300 watts seems reasonable.

Mike Woodworth noted that no illuminated signs are allowed in the residential/agricultural district.

Mike Todd added that this change would allow all owners in the residential agricultural district to put up a lighted sign. This is a dangerous amendment that would be precedent setting. He reminded everyone that we currently have a vehicle to allow for lighted signs in the r/a district; it can be achieved by filing for a variance with the zoning board. Mike Price agreed.

John Hayden added that the board just reviewed the sign ordinance and did not change it to allow for illuminated signs in the residential agricultural zone and it would be odd if the board supported the petitioned warrant article. The planning board took a vote and does not recommend passage of the petitioned warrant article. Yes-4, No-1,

Water & Sewer Extension Hearing

Clay informed the board that a hearing will be held on February 5, 2013 at 7pm regarding the expansion of the water and sewer district to Route 85 and Route 108. All owners along Route 85 from the railroad bridge to Route 108 will be notified of the meeting. State law requires homeowners to hook up to the water and sewer if the line passes by their home within a specified number of feet. After this meeting the Board of Selectmen will vote on whether or not they approve of the extension. The question will then go forward to the annual water and sewer district meeting for a vote by those present.

A motion was made and seconded to adjourn at 9:11pm.

The next regularly scheduled meeting will be Thursday February 21, 2013 at 7pm.

Respectfully submitted,

Sue Mckinnon

